

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Andy Gillette
		Mike Saglibene
		Mike Smith
	Attorney	Fredrick Ahrens
	Town Clerk	Linda Cross

Supervisor Dean called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE – Dave Manchester, 62 Beacon Lane, briefly explained the redistricting of the Chemung County Legislative Districts.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of March 27, 2013 as presented. All in favor, except Councilperson Gillette, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of April 10, 2013 as presented. All in favor, except Councilperson Gillette, motion carried.

Supervisor Dean reported:

- Big Flats after School Program for the 3rd and 4th graders has been nominated for the Chemung County Youth Bureau's Program Excellence Award for 2013, and received the Award April 23, 2013.
- Tim Gilbert successfully received his ASFPM Certification, Floodplain Manager, this is a Federal Program
- Sales tax for the Town was down 35%

UNFINISHED BUSINESS

RESOLUTION NO. 95-13 FIREWORKS PERMIT FOR COMMUNITY DAYS INC. AMENDED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS Big Flats Community Day's Inc. has contracted with American Fireworks Mfg. Co. Inc. to conduct a fireworks display on June 14, 2013, and a rain date of June 15, 2013, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Big Flats Community Day, Inc. to be held on June 14, 2013, and a rain date of June 15, 2013.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

NEW BUSINESS

RESOLUTION NO. 96-13
2013 GENERAL FUND BUDGET,
JCAP GRANT & INSURANCE RECOVERY AMENDED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated April 10, 2013 requesting authorization for a budget amendment in receipt of a grant of \$11,320 under the 2012-2013 cycle of the Justice Court Assistance program (JCAP), and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following amendment to the General Fund 2013 budget:

Increase Estimated Revenue	A0510	\$11,320
Increase State Aid Court Grant	A3021	\$11,320
Increase Appropriations	A0960	\$11,320
Increase Justice CE Grant	A1110.0401	\$11,320

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 97-13
2013 GENERAL FUND BUDGET AMENDED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated April 10, 2013 requesting authorization for a budget amendment in receipt of an insurance reimbursement payment from Adirondack Insurance Company due to a motor vehicle accident occurring on the Town Campus on 02/19/2013 causing completed damages to a light fixture, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

BE IT THEREFORE RESOLVED the Town Board authorizes the following amendment to the General Fund 2013 budget:

GENERAL FUNDS

Increase Estimated Revenue	A0510	\$8,468.37
Increase Insurance Recovery	A2680	\$8,468.37
Increase Appropriations	A0960	\$8,468.37
Increase Buildings	CE1620.0400	\$8,468.37

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 98-13
2013 BUDGET TRANSFER FOR THE PUBLIC SECTOR HR CONSULTANTS, LLC
APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS a memorandum was received from the Bookkeeper, dated April 10, 2013, requesting the following budget transfers for unbudgeted item with Public Sector HR Consultants, LLC, to develop a wage & salary program and development of job descriptions, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfers:

To:	A1010.0400	Town Board	\$15,500.00
From:	A1990.0400	Contingency	\$15,500.00

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 99-13
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for April 2013, vouchers 4001981-4002071 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 54,253.77
HIGHWAY FUND	\$ 29,280.96

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

SEWER DISTRICT	\$ 233.05
WATER DISTRICT #1	\$ 4,115.47
WATER DISTRICT #2	\$ 4,502.49
WATER DISTRICT #3	\$ 1,341.32
WATER DISTRICT #4	\$ 1,038.27
LIGHTING DISTRICT	\$ 412.79
TRUST & AGENCY	\$ 1,820.75

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 100-13
SECTION 284 OF THE HIGHWAY LAW AGREEMENT FOR 2013 APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 101-13
BIG FLATS COMMUNITY DAY'S, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS an application for Games of Chance was received from Big Flats Community Day's, Inc. dated April 8, 2013 , and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the findings and determination for Games of Chance License finds the designated members conducting Games of Chance are of good moral character, the Town Board approves the application for Games of Chance License, dated April 24, 2013, from Big Flats Community Day's, Inc. to perform Games of Chance events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 102-13
ASSOCIATION OF TOWNS TAX COLLECTOR SEMINAR APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the New York Association of Tax Receivers & Collectors seminar is a training Seminar for Tax Collectors, and

WHEREAS said seminar is held annually with representatives offering sessions for updates regarding new and proposed regulations that effect the operations of office of the Tax Collector, and

WHEREAS Deanne Williams, former Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk and Deputy Town Clerk, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Linda Cross, Town Clerk and Tammy Stein, Deputy Town Clerk, to attend the New York State Association of Tax Receivers & Collectors Seminar held June 9-12, 2013, using the Town car with expenses, not-to-exceed \$ 1300.00 and all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 103-13
APRIL 24, 2013 COMMUNICATIONS LOG APPROVED

Resolution by: Gillette
Seconded by: Saglibene

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

March 25, 2013

State of New York Public Service Commission – RE: Order Granting Petition in Part and Modifying Electric Safety Standards. *Referred to: filed with Town Clerk.*

April 4, 2013

United Fire Equipment of the Southern Tier, Inc. – RE: Retirement. *Referred to: Commissioner of Public Works and filed with Town Clerk.*

April 11, 2013

Time Warner Cable – RE: Programming. *Referred to: filed with Town Clerk.*

April 12, 2013

Big Flats Business Association Meeting – RE: Minutes. *Referred to: filed with Town Clerk.*

April 15, 2013

Time Warner Cable – RE: You Too Can Be...President for a Day! *Referred to: filed with Town Clerk.*

NYS Rural Housing Coalition Inc. – RE: Join the Coalition. *Referred to: Town Board and filed with Town Clerk.*

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 104- 13
ACQUISITION OF PROPERTY APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the New York State Department of Transportation has acquired that property commonly known and designated as the corridor between Hibbard Road and Lowe Road in the Town of Big Flats, or Maple Street extension (hereinafter the “parcel” or “corridor”) and is interested in declaring the parcel as surplus or conveying the same for future highway development by either the Town of Big Flats or Chemung County, and

WHEREAS the corridor would allow access to the future development of Airport Corporate Park South and the Town Center, now

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

THEREFORE BE IT RESOLVED the Supervisor of the Town of Big Flats be and same hereby is authorized and directed to execute the **requests** documents for the acquisition of the parcel for consideration of \$1.00, and

BE IT THEREFORE RESOLVED certified copies of this resolution be sent by the Town Clerk to D. Keith Brewster, Acting Regional Real Estate Officer for New York State Department of Transportation.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO.105-13
OUT-OF-DISTRICT SEWER USER AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a Feasibility Report has been duly prepared, including an estimate of cost, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Big Flats, Chemung County, New York, relating to sewer system improvements to serve an Area immediately adjacent to said Town known as Corning Hospital Site ("Hospital Site"), consisting of the construction of sewer collection and conveying system infrastructure on and within the Hospital Site and continuing from the Hospital Site generally easterly and northerly of US I-86 and northerly of Olcott Road and Daniel Zenker Drive to Palmer Road where it will turn southerly and underneath US I-86 to the existing Town of Big Flats Pump Station located on Maple Street in the Town of Big Flats, consisting of all necessary and appropriate, on-site sewer mains, force main pump stations, connection vaults, manholes, valves, stops, clean-outs, and other usual and ordinary sewer system fixtures and components ("Sewer System Connection Project"), which will provide municipal sewer service to the Hospital Site; and

WHEREAS said Feasibility Report, including estimate of cost, has been prepared by a competent engineer duly licensed by the State of New York, and has been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS said improvements have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS the improvements proposed for said Corning Hospital Site Area are as described above, at a maximum estimated cost of \$2,977,520.00; and

WHEREAS it is proposed that the cost of the aforesaid improvements shall be borne by the owners and developers of the Corning Hospital as an element of the development of the Hospital Site and in accordance with permits duly issued by the Town of Corning, the municipality within which the Hospital Site is located; and

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

WHEREAS the aforesaid improvements are to be dedicated to the Town of Big Flats and incorporated in its Sewer District upon completion of construction and installation in accordance with all applicable standards and specifications of the Town of Big Flats, the Chemung County Sewer District, the New York State Department of Transportation (“DOT”), and the New York State Department of Environmental Conservation (“DEC”); and

WHEREAS the Corning Hospital will be a state-of-the-art, regional facility that will support the residents and citizens of the Town of Big Flats as well as those of adjacent municipalities thereby providing a critical health care component to the greater Big Flats community; and

WHEREAS the Town of Big Flats will provide the sewer services to the Hospital Site in accordance with an Out-of-District Sewer User Agreement pursuant to which the Hospital will pay an equitable share of the debt service associated with the Chemung County Sewer District financing, together with the actual expense of the collection, transmission, and treatment of waste water generated by the Hospital Site; and

WHEREAS it is now desired to authorize the improvement to be known as Corning Hospital Site Area;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Big Flats, Chemung County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to engage in the sewer improvement hereinafter described. The proposed improvement shall be sewer collection and conveying system infrastructure on and within the Hospital Site and continuing from the Hospital Site generally easterly and northerly of US I-86 and northerly of Olcott Road and Daniel Zenker Drive to Palmer Road where it will turn southerly and underneath US I-86 to the existing Town of Big Flats Pump Station located on Maple Street in the Town of Big Flats, consisting of all necessary and appropriate, on-site sewer mains, force main pump stations, connection vaults, manholes, valves, stops, clean-outs, and other usual and ordinary sewer system fixtures and components (“Sewer System Connection Project”).

Section 2. It is hereby determined that the expense of the construction and installation of the said Sewer System Connection Project shall be borne by the owners and developers of the Corning Hospital and shall not be a charge upon the Town of Big Flats.

Section 3. It is hereby determined that the sewer services to be provided to the Corning Hospital Site as contemplated by this improvement shall be governed by an Out-of-District Sewer User Agreement whereby the Corning Hospital shall pay an equitable share of the debt service associated with the Chemung County Sewer District financing, together with the actual expense of the collection, transmission, and treatment of waste water generated by the Hospital Site.

Section 4. It is hereby further determined that all of the Sewer System Connection Project infrastructure shall be dedicated to the Town of Big Flats and incorporated in its Sewer District upon completion of construction and installation in accordance with all applicable standards and specifications of the Town of Big Flats, the Chemung County Sewer District, the New York State Department of Transportation (“DOT”), and the New York State Department of Environmental Conservation (“DEC”).

Section 5. This resolution shall take effect immediately.

MINUTES OF THE TOWN BOARD MEETING OF APRIL 24, 2013

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 106-13
SUMMER T.A.F.F.Y. EMPLOYEE APPOINTED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program, and

WHEREAS the Youth Services Coordinator, in a memo dated April 23, 2013, requests the Town Board rehire Abigail Surosky, for planning, organizing and supervising of Youth, Teens and Senior Citizen Summer Events, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Abigail Surosky for planning, organizing and supervising of Youth, Teens and Senior Citizen Summer Events at the rate of \$9.00 per hour, effective April 29, 2013– October 30, 2013.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Saglibene to adjourn the Town Board meeting at 7:17 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk